UNITED STATES DISTRICT COURT
FOR THE SOUNTHERN DISTRICT OF FLORIDA
MIAMI-DADE DIVISION

CASE NO. 07-60399-CIV-ALTONAGA/TURNOFF

SPIRIT AIRLINES, INC.,

Plaintiff,

vs.

24/7 REAL MEDIA, INC., ADVERTISING. COM, INC.
AMERICA ONLIN, INC., d/b/a AOL, BURST MEDIA
CORPORATION, CARROLTON BANK,
CHEAPFLIGHTS (USA), INC.,
ECHO TARGET, INC., HOTWIRE, INC., INTERCEPT
INTERACTIVE, INC., PRICELINE.COM, LLC,
RACKSPACE, LTD., SHERMANS TRAVEL, INC.,
SIDESTEP, INC, SMARTER LIVING, INC., et. al.,

Defendants.

____/

DEFENDANT VALUE CLICK INC.'S UNOPPOSED MOTION FOR A 10-DAY EXTENSION OF TIME TO FILE A RESPONSE TO THE COMPLAINT FOR INTERPLEADER

Pursuant to the Federal Rules of Civil Procedure and applicable Local Rules, Defendant VALUECLICK, INC., ("ValueClick"), hereby respectfully moves this Court to grant a ten day extension of time to respond to the Complaint For Interpleader filed herein, for the following reasons:

1. On March 21, 2007, Plaintiff SPIRIT AIRLINES, ("Spirit") filed the above-stated Complaint For Interpleader, which was served on Defendant Value Click's agent on April 9, 2007. Thus, ValueClick's response to this Complaint is due on April 30, 2007. *See* Fed. R. Civ. P. 12 (a)(1)(A).

Dockets.Justia.com

2. Undersigned counsel was retained by Defendant ValueClick on this matter on April 25, 2007 and received the Complaint yesterday, on April 26, 2007, and the response is due in two days since the other two days fall on the weekend.

3. Based upon all the foregoing, Defendant requests an extension of time until May 10, 2007 to respond to the Complaint for Interpleader to ensure a proper response by ValueClick to the issues raised in the Complaint.

4. Defendant's counsel has conferred with Plaintiff's counsel and counsel has graciously agreed to this extension of time.

5. Defendant respectfully requests that this Court enter an order granting an enlargement of time up to and including May 10, 2007, for Defendant ValueClick to respond to the Complaint for Interpleader.

6. This extension of time is not prejudicial to the parties and the undersigned counsel certifies to the Court that this motion is made in good faith and not for the purpose of undue delay.

Respectfully submitted,

CONCEPCION SEXTON & MARTINEZ
355 Alhambra Circle, Suite 1250
Coral Gables, Florida 33134
Tel: (305) 444-6669
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Attorneys for Defendant

By: ______________________
FRANCIS X. SEXTON, JR. ESQ.
Fla. Bar. No.: 345423
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail and facsimile on this 17th day of April 2007 to Anthony J. Carriuolo, Esq., BERGER SINGERMAN, 350 East Las Olas Blvd., Suite 1000, Ft. Lauderdale, Florida 33301.

By: __________________________
FRANCIS X. SEXTON, JR. ESQ.
Fla. Bar. No.: 345423
fsexton@cfclaw.com

CERTIFICATION PURSUANT TO LOCAL RULE 7.1A

I HEREBY CERTIFY pursuant to Local Rule 7.1A that on this date Mrs. Sen of our office conferred with Anthony Carriuolo, counsel for Plaintiff, Spirit Arilines, Inc. in a good faith effort to resolve the issues raised in Motion for Extension of Time to File a Response to Complaint for Interpleader and counsel agreed to the relief requested, an extension of time.

By: __________________________
FRANCIS X. SEXTON, JR. ESQ.
Fla. Bar. No.: 345423
fsexton@cfclaw.com

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24/7 REAL MEDIA, INC., ADVERTISING. COM, INC. AMERICA ONLIN, INC., d/b/a AOL, BURST MEDIA CORPORATION, CARROLTON BANK, CHEAPFLIGHTS (USA), INC., ECHO TARGET, INC., HOTWIRE, INC., INTERCEPT INTERACTIVE, INC., PRICELINE.COM, LLC, RACKSPACE, LTD., SHERMANS TRAVEL, INC., SIDESTEP, INC, SMARTER LIVING, INC., et. al.,

Defendants.
_______________________________________/

ORDER GRANTING DEFENDANT, VALUECLICK, INC.'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO THE COMPLAINT FOR INTERPLEADER

THIS CAUSE came before the Court upon the Defendant, ValueClick, Inc.'s Unopposed Motion for Extension of Time to File a Response to the Complaint for Interpleader and the Court, having reviewed the Motion and having noted the agreement of the Plaintiff to the Defendant's Motion, it is accordingly,

ORDERED AND ADJUDGED that the Defendant's Motion is hereby **GRANTED**. Defendant, ValueClick, Inc. shall have up through and including May 10, 2007 in which to file a response to the Complaint for Interpleader.

DONE AND ORDERED in Chambers in Miami, Florida, this _______ day of May, 2007.

____
CECILIA M. ALTONAGA
U.S. DISTRICT COURT JUDGE

cc: Francis X. Sexton, Jr. Esq.
fsexton@cfclaw.com
Anthony Carriuolo, Esq.

Valueclick\Spirit Airlines, Inc\Pleadings\Order Granting Mot for Extension to answer Complaint.doc